

United States
Court of Appeals

Report of Chief Judge Harry T. Edwards

My term as Chief Judge will conclude just after the coming 2000-2001 term and before the next Circuit Judicial Conference. Therefore, this is my last report to the Circuit Judicial Conference in my role as Chief Judge. When I sat down to write this report, a task that I normally do not relish, I found myself reflecting on the court's work over the past six years and pondering over what lies ahead. The feelings that were evoked were special, for I carry fond memories and I have high hopes for the future.

I have been lucky during my tenure as Chief Judge, because I have had the good fortune to work with some extraordinary people: my colleagues on the U.S. Court of Appeals for the D.C. Circuit, who have been unfailingly patient and supportive during all of my attempts to revamp court management structures, case-handling processes, and other systems that make the court work; the court's key managers, including, first, Linda Ferren and now Jill Sayenga, Circuit Executives, Linda Elliott, Deputy Circuit Executive, Mark Langer, Clerk of the Court, Marilyn Sargent, Chief Deputy Clerk, Martha Tomich, Director of the Legal Division, Mark Butler, Special Counsel to the Clerk, Nancy Padgett, Librarian, Theresa Santella, Deputy Librarian, and Ellen Finn, Special Assistant to the Chief Judge, who have been brilliant in planning and executing goals to improve the court; an extraordinary court staff that has continuously worked with selfless devotion and with great professionalism to ensure the success of the court's operations; and many talented and thoughtful members of the bar, who have lent their advice to help improve the court's operations and have volunteered their expertise and time to serve as mediators in our Appellate Mediation Program and as members of the court's various advisory committees. I have felt very secure in knowing that the burdens of my administrative and management responsibilities invariably would be lessened because of the contributions of these many able and dedicated people. They always will have my gratitude.

When I assumed the position of Chief Judge, there were a number of goals that the managers and I identified for the court. My priorities during the past six years have been:

- to establish an environment to foster collegial relations among the judges;
- to reorganize work functions within the Clerk's Office to maximize efficiencies in case processing;
- to establish a centralized budget covering all work units to make better use of our appropriated monies;
- to establish a central Automation Unit to serve the entire court;
- to ensure that the court's automation services are "state-of-the-art" and that the court would be ready to enter the world of the Internet in the twenty-first century;
- to encourage good and respectful relations with our colleagues on the District Court;
- to have occasional public fora with the members of the bar to explain court operations and seek recommendations with respect to areas in need of improvement;

- to speed up case disposition times (especially in criminal cases, which lagged for a time) and ensure that all cases heard during a term are decided by the end of the term;
- to change the way that we process motions to ensure that “easy” and “straightforward” motions do not burden the attorneys in the Legal Division and clog our case processing system;
- to continue to assess the need for alternative dispute resolution (“ADR”) programs and improve the court’s existing Appellate Mediation Program; and
- to develop strong training and evaluation programs for all staff functions.

I think that, in almost all of these areas, we have met our objectives.

The court’s work to upgrade its technology and automation systems has been the most visible project that we have undertaken over the past six years, and also the most challenging. Early on, the court, in conjunction with the Administrative Office of the U.S. Courts, implemented programs such as the Appellate Voice Information System (AVIS) and Appellate Bulletin Board System (ABBS) that allow attorneys and parties to gain remote access to docket information and opinions. The interesting automation work, however, has been done in-house by the court’s automation team. We now have a fully networked computer operation, where none was in place in 1995. This allows every unit and chambers to be in complete communication with every other unit and chambers. It also allows judges to have complete access to all of their computer operations via remote dial-ins, so that work can be done if a judge is at home or away on travel. In constructing our automation operation, we have focused on establishing a top-flight staff unit, installation of uniform, state-of-the-art hardware and software applications in every unit and chambers, insistence on tight security rules, and development of detailed and strong training programs.

In recent years, we have developed both Internet and Intranet sites. The latter is the court’s internal library on every aspect of the operation. Every rule, procedure, event, committee, sitting schedule, opinion, etc. is posted on the Intranet. It is our “filing cabinet,” so to speak, so we never worry about losing a piece of paper that explains how we operate, and we no longer worry about the retirement of a long-service employee who alone is familiar with some aspect of court administration. What we do and how we do it is now readily available to everyone via the Intranet. The Internet site, which was revamped in January 2000, serves the same role for the public-at-large, sans information that is confidential to the court. There is a mass of useful data on the Internet, including copies of the court’s opinions, dockets, sitting schedules, forms, etc., and public use of the Internet remains very high.

There have been numerous other technology advances that have changed our work patterns. First and foremost is an application called “TeamTalk.” We use this to allow judges to vote via computer on the more than 1,000 motions that we receive each term. These motions cover matters such as requests for time extensions, petitions for fees, petitions for rehearing, etc. In the past, every judge received the motion and supporting papers, then voted, returned the paper to the Clerk’s Office, and circulated copies to other judges. It was a nightmare trying to keep up with who had voted and when. Now all such votes are done via computer, with an official in the Clerk’s Office serving as the monitor. All votes are time-stamped, so that everyone knows when each judge has voted. Judges may also record comments for consideration by their colleagues. And there is a “tally” section that allows everyone to see how a vote is progressing. Paper reduction has been extraordinary and ease of communications has been facilitated.

Similarly, we have a “PACRATS” program that handles all of our case management. If a judge goes into PACRATS, he or she can easily determine the status of every case on the docket, including date of argument, opinion assignments, disposition, law clerks assigned to work on the case, dissenting opinions, etc. The program also allows the Clerk’s Office to print out myriad reports that allow us to track our cases and determine how long it is taking the court to dispose of cases.

The court recently built a video-conferencing center, which will be used for training programs, mediation sessions, and, maybe, even long-distance interviews with law clerk applicants. The facility is made up of two rooms, divided by a moveable floor-to-ceiling partition that separates the training and conference areas. The video-conferencing equipment is state-of-the-art. A camera tracks voices and automatically focuses on and broadcasts the image of the speaker. Monitors allow participants to see the image they are projecting while watching the image being sent by outside participants. An overhead projector provides a means of broadcasting documents and images on the screen while continuing with the audio portion of the conference.

We have also added automation to the courtroom: each judge and each law clerk has a computer at her or his station, so that the judges can communicate with each other or with their law clerks during argument. We can also access our network drives to search for needed material, or call Westlaw or Lexis to research a case that is the subject of argument.

In the months ahead, the court will introduce CM/ECF (case management/electronic case files), a new case management system developed by the Administrative Office of the U.S. Courts. The D.C. Circuit and Fourth Circuit have been chosen to implement a pilot program that will test the software before it is released to the other courts of appeals across the country. If the software works as we hope, the advantages of CM/ECF will include the availability of electronic filing and service of pleadings over the Internet, full case information at the click of a mouse, automatic e-mail notification of activity in a given case, and a facility for the creation of detailed management reports tailored to the unique needs of each circuit. Under our current timetable, “real” cases should enter the CM/ECF system sometime within the year. However, until proven reliable over an extended period of time, CM/ECF will run concurrently with AIMS, the court’s current case management software. Eventually, however, CM/ECF will replace AIMS entirely. A web site has been created to allow the court to provide information to and to obtain feedback from users of CM/ECF. And, in the late fall or early winter of next term, the court will host a public forum to introduce CM/ECF to the bar. Court staff will demonstrate the capabilities of the new system and conduct basic training on how to use it.

I should note that the CM/ECF system will not eliminate paper filings. Paper filings of all motions and pleadings will still be required, thus ensuring that access to automation equipment does not become a prerequisite to access to the courts. Provisions will also be made to ensure that judges continue to receive hard copies of all filings. Nevertheless, CM/ECF will provide an additional tool for the computer savvy litigant and an important management device for the courts.

There are other, relatively mundane automation devices – such as e-mail, cell phones, voice mail systems, Palm Pilots, fax machines, etc. – that make our daily work routines somewhat easier. However, throughout the entire process of implementing these and other automation techniques at the Court of Appeals, we have never lost sight of the need for strong collegial relations among the members of the court. Thus, not all communications occur through electronic means. Electronic communication has allowed us to “talk” more (and more efficiently) about matters that in the past probably fell through the cracks. It facilitates communi-

cations without diminishing face-to-face interactions. Because communications are now easier, we probably avoid misunderstandings that in the past provoked problems. In any event, there certainly has been no adverse effect on collegiality.

The judges still sit together during oral arguments and during special panel sessions; we confer together after oral arguments; we meet in Judicial Council sessions; we have judges' luncheons with invited guests; we have judges' dinners with our spouses and significant others; we have regular judges' meetings to deal with the business of the court; and we meet informally, as need be, to address unexpected problems. My colleagues on the court are extremely bright and very independent in their thinking. What makes them notable, however, is their firm commitment to serve the ends of justice. Egos and personal ideologies should be irrelevant in case dispositions, and the members of the court work diligently to make sure that this is always so. We work very hard, *with one another in a common mission*, to find answers to the complex issues that lawyers and litigants bring before the court. And when we see things differently in a particular case (a relatively rare occurrence), we are respectful in our deliberations. We invariably learn from one another. There are some legal scholars and other commentators who would have it otherwise, but, as I have attempted to show, their views do not offer an accurate picture of the court. *See* Edwards, *Collegiality and Decision Making on the D.C. Circuit*, 84 VA. L. REV. 1335 (1998). It has been a pleasure for me to work with my colleagues on the court, both because of the respect that I hold for them and also because I know that we share a purpose to serve the public good.

In the months ahead, the court will aim to further improve communications with the members of the bar and public that we serve. In addition to the new CM/ECF program, and the public forum and training that will accompany it, the court has commenced publication of a newsletter, *The Circuit Voice*, for members of the bar. We have no media moguls on our staff, so our publication goals are modest. Mostly, we hope to explain major projects afoot at the court, offer snippets on some of the folks who work at the court, detail major changes in the court's operations or rules, and elicit comments and suggestions from lawyers and litigants who are interested in and affected by our work. Our present goal is to publish *The Circuit Voice* at least twice each term, and we will endeavor to improve the newsletter with each offering.

The court's new Internet site, located at <http://www.cadc.uscourts.gov/> also has been designed to facilitate communications with the public that we serve. To this end, the court recently employed an "online" procedure to allow judges and members of the bar to use the Internet to register for the Circuit Judicial Conference. There are many other features on the Internet site that should be immeasurably useful to the members of the bar who appear before the court.

I am happy to report that, consistent with some of the goals that we set in 1995, the court's case processing systems are running smoothly on every front. Our case filings have been hard to predict in recent years, starting with 1,596 new filings in 1995, then dropping to 1,355 in 1996, then rising to 1,634 in 1998, then falling again to 1,440 in 1999. There is no discernible "trend" in case filings. However, as the following chart shows, the court has made dramatic improvements in most of its case disposition times since 1995:

Category	1995	1999
Average time from filing to oral argument (lead cases)*	468 days	352 days
Average time from oral argument to disposition (lead cases)**	65 days	76 days
Average time from filing to disposition (all cases)†	430 days	412 days
Average time from filing to disposition (all criminal cases)†	608 days	238 days
Number of pending cases	2,091	1,247
Average number of pending lead cases in the Legal Division	337 (in 1996)	153
Average age of lead cases in the Legal Division	239 days (in 1996)	148 days
Average age of all pending cases (including cases “held in abeyance”)‡	471 days	400 days
Average age of all pending criminal cases (including cases “held in abeyance”)‡	338 days	205 days

* Figures represent lead cases argued in the calendar year indicated.

** Figures represent argued lead cases terminated in calendar year indicated.

† Figures represent cases terminated in calendar year indicated.

‡ Cases pending as of December 31 of calendar year indicated.

The court now has a firm rule in place that, save for some unusual circumstance, any case that is heard during a term will be decided in the same term. It is rare that the court will carry over an unresolved case from one term to the next.

And, as I have reported in the past, very few dispositions of the court involve dissenting opinions or, as the press would have it, “ideologically split” panels:

Category	1995	1996	1997	1998	1999
% of all cases that included a full or partial dissent	2.4% (29 dissents out of 1,226 dispositions)	2.9% (36 dissents out of 1,247 dispositions)	2.2% (29 dissents out of 1,298 dispositions)	2.1% (25 dissents out of 1,189 dispositions)	1.8% (22 dissents out of 1,253 dispositions)
% of published opinions that included a full or partial dissent	10.3% (29 dissents out of 281 opinions)	12.1% (36 dissents out of 298 opinions)	10.9% (29 dissents out of 265 opinions)	9.1% (25 dissents out of 274 opinions)	8.9% (22 dissents out of 247 opinions)
Number of "ideologically split panels," <i>i.e.</i> , panels on which the dissenting judge and the judges in the majority were appointed by Presidents from different political parties	15 (out of a total of 29 opinions in which a dissent was registered)	22 (out of a total of 36 opinions in which a dissent was registered)	10 (out of a total of 29 opinions in which a dissent was registered)	10 (out of a total of 25 opinions in which a dissent was registered)	9 (out of a total of 22 opinions in which a dissent was registered)

The Court of Appeals has seen a number of significant changes during the past two years, *i.e.*, since my last report to the Circuit Judicial Conference. In November 1999, after more than 20 years on the bench, Judge Patricia M. Wald left the court to accept an appointment to the war crimes tribunal at The Hague. Later this year, at the end of the current term, Senior Judge James Buckley will retire after nearly 15 years on the court. Both Judge Wald and Judge Buckley were sterling members of the court and they will be sorely missed.

The Court of Appeals, the legal community, and the nation suffered a grievous loss when retired Judge Spottswood W. Robinson III passed away on October 11, 1998. Judge Robinson was appointed to the United States District Court for the District of Columbia in 1964 and to the Court of Appeals in 1966, where he served with distinction until 1991, serving as Chief Judge of the Court of Appeals from 1981 to 1986. A memorial ceremony was held at the court on May 12, 1999, to celebrate Judge Robinson's life and work. Emceed by Karen Hastie Williams, a former Robinson law clerk, the speakers included Justice Ruth Bader Ginsburg, Professors Stephen L. Carter and Susan Low Bloch (both former law clerks as well), and the Chief Judges of the Court of Appeals and District Court. The many and varied guests were a testament to the depth and breadth of Judge Robinson's legacy.

At the start of the 2000-2001 term, the Court of Appeals will include ten active judges (Chief Judge Edwards, Judge Silberman, Judge Williams, Judge Ginsburg, Judge Sentelle, Judge Henderson, Judge Randolph, Judge Rogers, Judge Tatel, and Judge Garland) and no senior judges. Judge Silberman will be eligible for senior status in October 2000. Should Judge Silberman elect to leave active status and if no new appointments are confirmed by the Senate, the court will be at its lowest number of full-time judges, nine, since 1989, when there were nine active judges on the court for a brief period of two months.

In recent years, the judicial branch has faced heightened scrutiny in Congress. One recurring issue has focused on judicial appointments, with some members of the Senate questioning whether and to what extent new judges should be appointed to the various circuit courts. Traditionally, in order to support requests for new judgeship positions, the United States Judicial Conference has employed a simple formula that measures judgeship needs by reference to the numbers of cases filed in a circuit. The formula has never made much sense when applied to the D.C. Circuit, because the court's caseload, which is heavily laden with large administrative appeals, is so unlike other circuits. In an effort to address this problem, the Judicial Conference directed the Federal Judicial Center to conduct a study of the D.C. Circuit's caseload to determine factors in the court's work that could be used to establish guidelines for the assessment of judgeship needs.

The results of the FJC study were interesting, but not surprising. It is well known that the D.C. Circuit hears an unusually large number of administrative cases – in 1997, for example, administrative appeals accounted for 46.3% of the D.C. Circuit's caseload, while the proportion in other circuits ranged from 14.5% in the Ninth Circuit to 3.7% in the Eighth Circuit. The study was illuminating, however, in showing that more than 70% of the D.C. Circuit's agency cases came from the Environmental Protection Agency (EPA), Federal Energy Regulatory Commission (FERC), and Federal Communications Commission (FCC). The cases from these three agencies (as compared with other agency cases) tend to involve the weightiest records and the most complex and technically difficult issues. The proportion of agency cases from the EPA, FERC, and FCC in the circuits with the next heaviest agency caseloads was 1% in the Ninth Circuit, 7% in the Second Circuit, and 2% in the Fourth Circuit. By contrast, in the Ninth Circuit, which had the second highest agency caseload, 92% of the agency cases came from the Immigration and Naturalization Service (INS), Internal Revenue Service (IRS), and Benefits Review Board (BRB) – typically straightforward cases that involve well-developed bodies of law, few parties, and largely factual disputes.

The FJC study thus concluded that, not only do other circuits hear fewer agency cases than are heard in the D.C. Circuit, but that the agency cases heard in other circuits generally are not the difficult agency cases that are a staple in the D.C. Circuit. In addition, it was determined that the D.C. Circuit hears far fewer criminal and diversity cases than are heard in other circuits. This is significant because these cases generally tend to require fewer judicial resources than most other cases. Finally, the FJC report confirmed that the

D.C. Circuit hears an unusually large number of high-profile cases presenting difficult issues of national import. Based on these findings, the FJC's report to the Judicial Conference suggested that any filing-based formula for judgeship needs should include an adjustment for the D.C. Circuit to take account of the court's unique case mix.

Another major project that was recently concluded was the publication of a *Chief Judge's Manual*. The *Manual*, which is an internal working document, comprehensively details the policies and practices governing court operations and the Chief Judge's duties. For the first time, we have created a single document that captures both formal and informal management policies and practices at the court. The *Manual* should serve as a useful resource for Chief Judges and court managers in the years ahead.

The largest project for the court in the immediate future will be the construction of the "annex" to the E. Barrett Prettyman United States Courthouse, including renovation of the existing building. Architect Michael Graves has produced an extraordinary design that will meet the functional needs of the courts while complementing the existing architecture on Pennsylvania and Constitution Avenues. If Congress approves the necessary appropriations, construction will commence in January 2001. Funds for construction remain an issue, however. In any event, it is anticipated that construction of the annex will take approximately three years and that renovation of the existing building will take an additional three years.

The annex will be a stunning marker of justice in our Nation's Capital. It will be a constant reminder to the judges and staff, and to the lawyers and litigants who we serve, of the important role of our courts over the past 200 years of American history. The timely commencement of the annex construction would lend great tribute and dignity to the courts' bicentennial celebration in 2001.

Harry T. Edwards
Chief Judge
United States Court of Appeals

United States Court of Appeals for the District of Columbia Circuit

HARRY T. EDWARDS



Chief Judge Edwards was appointed to the U.S. Court of Appeals in February 1980 and became Chief Judge on September 15, 1994. He graduated from Cornell University in 1962 and the University of Michigan Law School in 1965. Judge Edwards practiced law in Chicago from 1965 to 1970. He was then a tenured member of the faculties at the University of Michigan Law School, where he taught from 1970 to 1975 and 1977 to 1980, and at Harvard Law School, where he taught from 1975 to 1977. He also taught at the Harvard Institute for Educational Management between 1976 and 1982. He served as a member and then Chairman of the Board of Directors of AMTRAK from 1978 to 1980, and also served as a neutral labor arbitrator under a number of major collective bargaining agreements during the 1970s. Chief Judge Edwards has co-authored four books and published scores of law review articles on labor law, higher education law, federal courts, legal education, professionalism, and judicial administration. Since joining the court, he has taught law at Harvard, Michigan, Duke, Pennsylvania, Georgetown, and, most recently, NYU Law School.

LAURENCE H. SILBERMAN



Judge Silberman was appointed United States Circuit Judge in October 1985. He graduated from Dartmouth College in 1957 and Harvard Law School in 1961. He has been a partner in law firms in Honolulu and Washington, D.C., as well as a banker in San Francisco. He served in government as an attorney in the NLRB's appellate section, Solicitor of the Department of Labor from 1969 to 1970, Undersecretary of Labor from 1970 to 1973, Deputy Attorney General of the United States from 1974 to 1975, and Ambassador to Yugoslavia from 1975 to 1977. From 1981 to 1985, he served as a member of the General Advisory Committee on Arms Control and Disarmament and the Department of Defense Policy Board. He was an Adjunct Professor of Administrative Law at Georgetown University Law Center from 1987 to 1994 and in 1997 and 1999, at NYU from 1995 to 1996, at Harvard in 1998; and he will be teaching in the spring at Georgetown.

STEPHEN F. WILLIAMS



Judge Williams was appointed to the United States Court of Appeals in June 1986. He graduated from Yale College (B.A. 1958) and from Harvard Law School (J.D. 1961). Judge Williams was engaged in private practice from 1962 to 1966 and became an Assistant U.S. Attorney for the Southern District of New York in 1966. From 1969 until his appointment to the bench, Judge Williams taught at the University of Colorado School of Law. During this time, he also served as a Visiting Professor of Law at UCLA, University of Chicago Law School, and Southern Methodist University and was a consultant to the Administrative Conference of the United States and the Federal Trade Commission.

DOUGLAS H. GINSBURG



Judge Ginsburg was appointed to the United States Court of Appeals in October 1986. He was graduated from Cornell University (B.S. 1970) and from the University of Chicago Law School (J.D. 1973). Following law school, he clerked for Judge Carl McGowan of the U.S. Court of Appeals for the D.C. Circuit and for U.S. Supreme Court Justice Thurgood Marshall. From 1975 to 1983, he was a professor at Harvard Law School. He then served as Deputy Assistant Attorney General for Regulatory Affairs, Antitrust Division, U.S. Department of Justice, from 1983 to 1984; Administrator, Information and Regulatory Affairs, OMB, from 1984 to 1985; and Assistant Attorney General, Antitrust Division, U.S. Department of Justice, from 1985 to 1986.

DAVID B. SENTELLE



Judge Sentelle was appointed United States Circuit Judge in October 1987. He is a 1968 graduate of the University of North Carolina Law School. Following law school, he practiced with the firm of Ussell & Dumont until he became an Assistant U.S. Attorney in Charlotte, N.C. in 1970. From 1974 to 1977, he served as a North Carolina State District Judge but left the bench in 1977 to become a partner with the firm of Tucker, Hicks, Sentelle, Moon & Hodge. In 1985, Judge Sentelle joined the U.S. District Court, Western District of North Carolina, in Asheville, where he served until his appointment to the D.C. Circuit. Judge Sentelle is the Presiding Judge of the Special Division for the Purpose of Appointing Independent Counsels (1992-present). Judge Sentelle serves as President of the Edward Bennett Williams Inn of the American Inns of Court.

KAREN LECRAFT HENDERSON

Judge Henderson was appointed United States Circuit Judge in July 1990. She received her undergraduate degree from Duke University and her law degree from the University of North Carolina. Following law school, she was in private practice in Chapel Hill, North Carolina. From 1973 to 1983, she was with the Office of the South Carolina Attorney General, ultimately in the position of Deputy Attorney General. In 1983, she returned to private practice as a member of the firm of Sinkler, Gibbs & Simons of Charleston and Columbia, South Carolina. In June 1986, Judge Henderson was appointed United States District Judge for the District of South Carolina where she served until her appointment to the D.C. Circuit.

A. RAYMOND RANDOLPH



Judge Randolph was appointed United States Circuit Judge in July 1990. He is a graduate of Drexel University (1966) and the University of Pennsylvania Law School (*summa cum laude* 1969). After clerking for Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit, Judge Randolph served as an Assistant to the U.S. Solicitor General from 1970 to 1973, and, from 1975 to 1977, as a Deputy Solicitor General. From 1979 to 1980, Judge Randolph was Special Counsel to the Ethics Committee of the U.S. House of Representatives. He has also served as Special Assistant Attorney General for Utah, Montana, and New Mexico. Prior to his appointment to the bench, he was a partner with the firm of Pepper, Hamilton & Scheetz. Judge Randolph has taught courses in civil procedure and injunctions at Georgetown University Law Center and is a Distinguished Professor of Law at George Mason Law School, teaching advanced constitutional law. He served on the U.S. Judicial Conference's Codes of Conduct Committee as a member (1992-1995) and as chairman (1995-1998).

JUDITH W. ROGERS



Judge Rogers was appointed to the United States Court of Appeals in March 1994. She is a graduate of Radcliffe College and Harvard Law School and has a Master of Laws degree from the University of Virginia Law School. She has served as an Assistant U.S. Attorney for the District of Columbia and as a trial attorney in the U.S. Department of Justice. In the Office of the U.S. Deputy Attorney General, she worked on the D.C. Court Reform and Criminal Procedure Act of 1970. She was also General Counsel to the congressional commission on the organization of the District government and, thereafter, Special Assistant to the Mayor for federal and District of Columbia legislation. She was appointed Corporation Counsel for the District of Columbia in 1979. In 1983, she was appointed Associate Judge of the D.C. Court of Appeals and served as Chief Judge from 1988 until her appointment to the D.C. Circuit.

DAVID S. TATEL



Judge Tatel was appointed to the United States Court of Appeals in October 1994. He graduated from the University of Michigan in 1963 and the University of Chicago Law School in 1966. Following law school, he taught for a year at the University of Michigan Law School and then went into private practice with the firm of Sidley & Austin in Chicago. From 1969 to 1970, he served as Director of the Chicago Lawyers' Committee for Civil Rights Under Law, then returned to Sidley & Austin until 1972, when he became Director of the National Lawyers' Committee for Civil Rights Under Law in Washington, D.C. From 1974 to 1977, he returned to private practice as associate and partner with Hogan & Hartson, where he headed the firm's Community Services Department. He also served as General Counsel for the newly created Legal Services Corporation from 1975 to 1976. In 1977, Judge Tatel became the Director of the Office for Civil Rights, U.S. Department of Health, Education and Welfare. He returned to Hogan & Hartson in 1979, where he headed the firm's education group until his appointment to the D.C. Circuit.

MERRICK B. GARLAND



Judge Garland was appointed to the United States Court of Appeals in April 1997. He graduated from Harvard College (*summa cum laude*) in 1974 and Harvard Law School (*magna cum laude*) in 1977. Following graduation, he served as law clerk to Judge Henry J. Friendly of the U.S. Court of Appeals for the Second Circuit and to U.S. Supreme Court Justice William J. Brennan, Jr. From 1979 to 1981, he was Special Assistant to the Attorney General of the United States. He then joined the law firm of Arnold & Porter, where he was a partner from 1985 to 1989 and from 1992 to 1993. He served as an Assistant U.S. Attorney for the District of Columbia from 1989 to 1992, and as Deputy Assistant Attorney General in the Criminal Division of the U.S. Department of Justice from 1993 to 1994. From 1994 until his appointment as U.S. Circuit Judge, Judge Garland served as Principal Associate Deputy Attorney General, where his responsibilities included the supervision of the Oklahoma City bombing and UNABOM prosecutions. He has taught antitrust law at Harvard Law School and has served as co-chair of the administrative law section of the District of Columbia Bar.

Senior Judge

JAMES L. BUCKLEY



Judge Buckley was appointed United States Circuit Judge in December 1985 and took senior status in September 1996. He graduated from Yale College, receiving a B.A. in 1943, and from Yale Law School, receiving an LL.B. in 1949. Judge Buckley was engaged in private practice from 1949 until 1958 when he became an Officer and Director of The Catawba Corporation. From 1971 to 1977, he served as a United States Senator. In 1977, he was engaged in private sector activities, but reentered government service as Undersecretary for Security Assistance, U.S. State Department in 1981. From 1982 to 1985, Judge Buckley was President of Radio Free Europe/Radio Liberty.

Office of the Clerk of the Court of Appeals



Mark Langer
Clerk of Court

eral public. It also provides statistical, financial, personnel, property, procurement and internal mail services to the court. In addition, the Clerk is responsible for processing complaints of judicial misconduct or disability and for servicing the court's Special Division for the Appointment of Independent

The Clerk's Office is responsible for managing the caseload of the court, processing all case-related documents, maintaining court records, and serving as central legal staff of the Court of Appeals. The Office serves as the court's liaison with attorneys, litigants, and the gen-

Counsels.

After a major reorganization in 1995, the Clerk's Office was divided into three divisions: Administrative, Operations, and Legal. The Administrative Division is responsible for such support functions as courtroom services, personnel, records management, procurement, facility management, financial administration, and mail services. The Operations Division handles all case processing functions, the scheduling of the court's calendar, intake, attorney admissions, and issuance of opinions. The Legal Division, formerly the Office of the Chief Staff Counsel, has three primary areas of responsibility: making recommendations and preparing dispositions in contested motions and emergency matters, screening and classifying new appeals, and making recommendations in Circuit Rule 34(j) cases. The Legal Division also screens cases for inclusion in the Appellate Mediation Program and assists with the management of complex cases under the 1986 Case Management Plan and civil cases designated for treatment under the 1978 Civil Appeals Management Plan.

U.S. Court of Appeals Advisory Committees

The United States Court of Appeals relies on its advisory committees for assistance in carrying out certain administrative tasks and for expert advice on issues that affect attorneys practicing before the court.

Advisory Committee on Procedures

The Advisory Committee on Procedures was established by the Judicial Council for the District of Columbia Circuit in June 1976 in response to recommendations made by the Commission on Review of the Federal Court of Appeals System, also known as the Hruska Commission. Since 1982, the Court of Appeals has been the appointing authority for the committee. The committee was one of the first of its kind in the nation.

In accordance with 28 U.S.C. § 2077(b), the committee is charged with studying the rules and internal operating procedures of the Court of Appeals and making recommendations to the court on possible improvements. The committee is specifically authorized to develop and implement projects and studies on matters affecting the administration of justice in the circuit, either at the request of the court or on its own initiative. The Advisory Committee on Procedures also serves as liaison between the court and the bar.

The committee consists of 15 members of the bar. The court has endeavored to appoint committee members who represent various interests within the bar. The current members of the Advisory Committee on Procedures are:

Maureen E. Mahoney, Chair

John R. Fisher

William Kanter

A.J. Kramer

Stephen C. Leckar

Katherine Anne Meyer

Gerald P. Norton

William Bradford Reynolds

Michael E. Rosman

Clifford M. Sloan

Patty Merkamp Stemler

Barbara S. Wahl

Jennifer N. Waters

Christopher J. Wright

Joseph A. Yablonski

Judge A. Raymond Randolph, Liaison

Advisory Committee on Admissions and Grievances

The Advisory Committee on Admissions and Grievances assists the court with two of its most difficult administrative tasks: acting on applications for admission to the court's bar and acting on complaints of attorney misconduct or neglect. The court may refer to the committee any accusation or suggestion of misconduct or neglect by any member of the bar of the court with respect to a professional matter. The committee may conduct an investigation, hold a hearing, and report on the matter as the court deems advisable. In addition, the committee investigates and recommends action on problems that arise in connection with applications for admission to the court's bar. The current members of the Advisory Committee on Admissions and Grievances are:

Hamilton P. Fox III, Chair

Christopher M. Curran

William L. Gardner

Richard J. Leon

Neil I. Levy

Steven M. Umin

Judge Judith W. Rogers, Liaison

Criminal Justice Act Panel Committee

The Criminal Justice Act (CJA) Panel Committee, established in 1991 pursuant to 18 U.S.C. § 3006(a), compiles the list of attorneys eligible to receive CJA appointments by periodically receiving and evaluating applications from interested counsel. The committee also conducts an annual review and evaluation of the CJA Plan and recommends any changes deemed necessary. The committee consists of two active circuit judges, the Federal Public Defender and two private attorneys experienced in criminal law, one of whom is on the CJA appointments list. The current members of the CJA Panel Committee are:

Judge Stephen F. Williams, Chair

Judge David B. Sentelle

Barry Coburn

A. J. Kramer

Elizabeth G. Taylor

Task Force on Electronic Filing

The Task Force on Electronic Filing was established in December 1997 to study the issue of electronic filing and to recommend to the court any rules necessary to permit, encourage or require electronic filing of motions, briefs, records or other documents. The task force consists of members of the court's staff, along with attorneys from private law firms, non-profit organizations, regulatory agencies, the Department of Justice and the Federal Public Defender. The current members of the Task Force on Electronic Filing are:

Douglas N. Letter, Chair

Kenneth C. Bass III

Susan J. Court

Mark L. Evans

Kenneth S. Geller

Jack N. Goodman

Tracy C. Hauser

Steven S. Kaplan

A.J. Kramer

Mark J. Langer

John M. Nannes

C. Grey Pash, Jr.

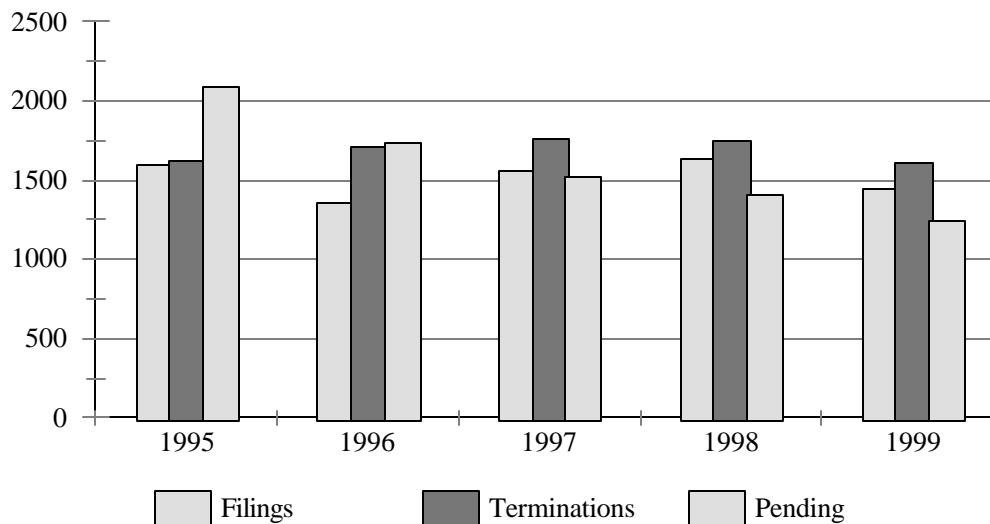
U.S. Court of Appeals Work load Information

Case filings rose significantly in 1998. This was despite a drop in the number of new agency cases from 720 in 1997 to 614 in 1998. A sharp jump in appeals involving the United States, from 354 in 1997 to 573 in 1998, accounted for the entire increase. In 1999 the number of new appeals involving the United States fell to 396 and the number of new agency cases declined to 533, resulting in the lowest number of total new cases since 1996. Terminations during the last two years continue to outpace new filings, leading to a total of only 1,247 cases pending at the end of 1999, the lowest figure since 1977 when the court finished the year with 1,145 pending cases.

Case load Summary 1997-1999

	1997	1998	Change	1999	Change
Filings	1554	1634	5%	1440	-12%
Terminations	1764	1745	-1%	1605	-8%
Pending	1527	1411	-8%	1247	-12%

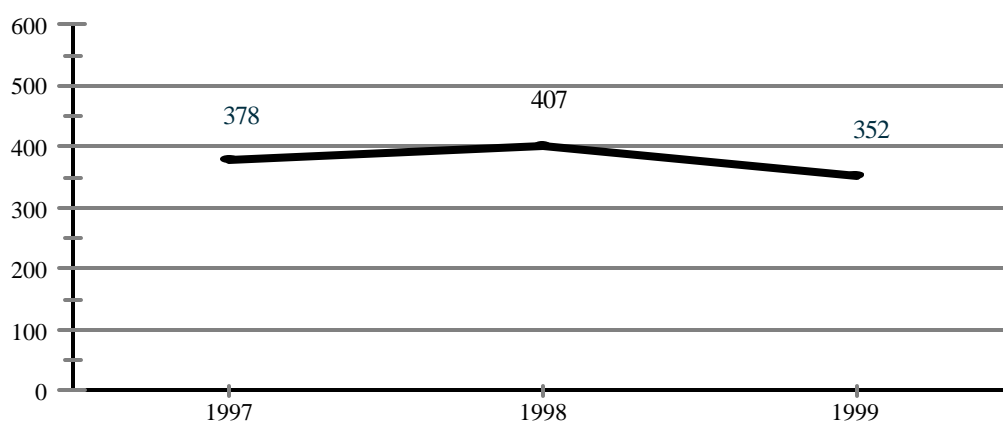
Case load Summary 1995-1999



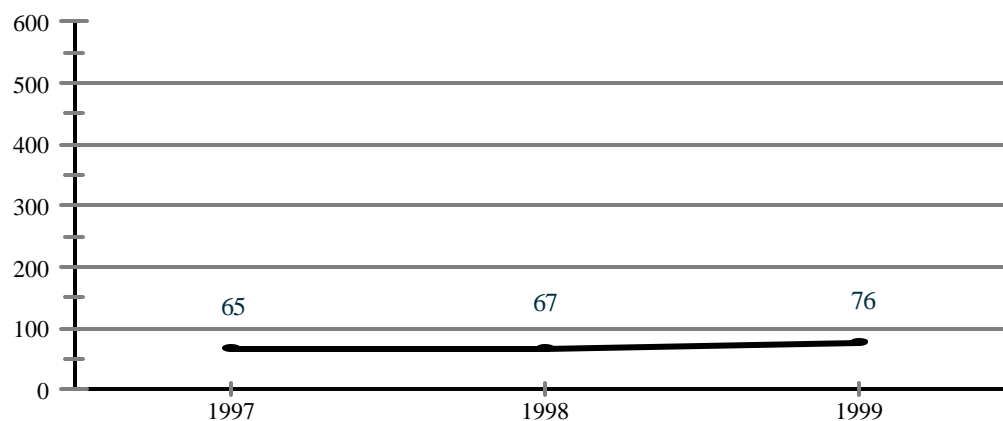
Average lead Case Processing Time (days) 1997-1999

During the last two years, there were no notable changes in average case processing times from filing to argument or from argument to disposition.

Filing to Argument*



Argument to Disposition**



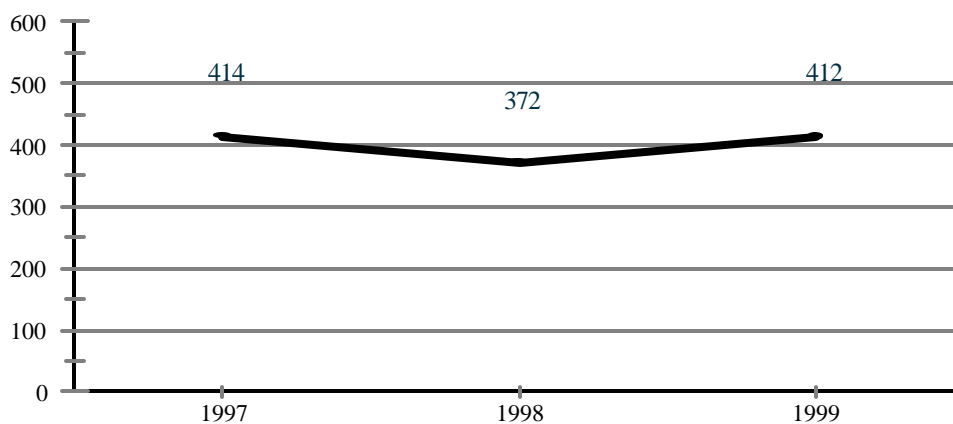
* Figures represent lead cases argued in calendar year indicated.

**Figures represent argued lead cases terminated in calendar year indicated.

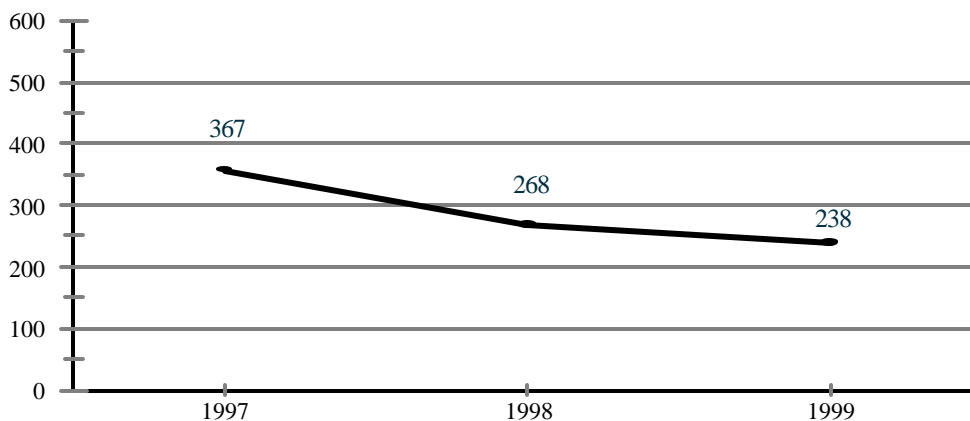
Average Time from Filing to Disposition (days) 1997-1999

The average time from the filing of a new case to disposition has remained fairly constant. However, the court has continued its dramatic improvement in processing criminal appeals. In 1995, the average time from the filing of a criminal case to its disposition was 608 days. This number has declined significantly every year since then and now stands at 238 days.

all cases*

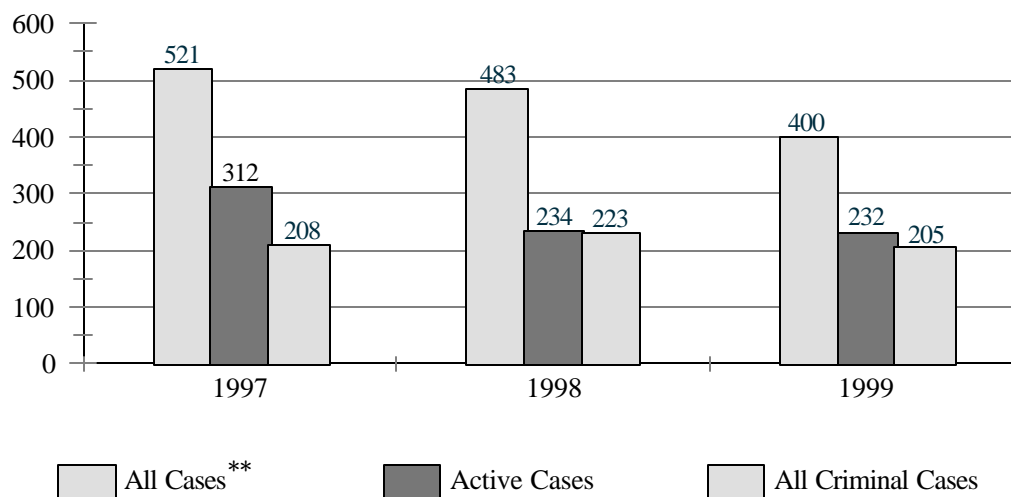


ALL criminal cases*



* Figures represent cases terminated in calendar year indicated.

Average Age of Pending Cases (days)* 1997-1999



* Cases pending as of December 31 of the calendar year indicated.

**Includes cases held in abeyance.

The statistics continue to demonstrate that the overwhelming percentage of the court's decisions, both published and unpublished, are unanimous.

	1997	1998	1999
Percentage of all dispositions that include full or partial dissent (lead cases only)	2.2% (29 dissents out of 1298 dispositions)	2.1% (25 dissents out of 1189 dispositions)	1.8% (22 dissents out of 1253 dispositions)
Percentage of published opinions that include full or partial dissent (lead cases only)	10.9 % (29 dissents out of 265 opinions)	9.1% (25 dissents out of 274 opinions)	8.9% (22 dissents out of 247 opinions)

There has been little change with respect to the percentage of reversals and/or remands over the past two years or to the percentage of dispositions that result in a published opinion.

	1997	1998	1999
Percentage of reversals and remands of all lead case dispositions terminated on the merits	14.6 % (104 reversals and remands out of 710 terminations)	14.1% (93 reversals and remands out of 659 terminations)	13.5% (91 reversals and remands out of 672 terminations)
Percentage of decisions published for all lead case dispositions terminated on the merits	37.6 % (267 published decisions out of 710 terminations)	41.4% (273 published decisions out of 659 terminations)	37.2% (250 published decisions out of 672 terminations)

NOTE: The statistics and time periods on this page are from the Table B-5 & S-3 of the AO's *Federal Judicial Workload Statistics*. These figures are for dispositions in lead cases only. "Terminated on the merits" includes orders by the Special Panel, judgments and opinions.

